<div align="center">REMARKS/ARGUMENTS</div>

Status:

This response is submitted contemporaneously with a request for continued examination ("RCE") in response to the final rejection dated July 9, 2008.

In the final rejection, the Examiner rejected claims 1, 4, 5, 6, 7, 12, 14, 16, 17, and 18 as being anticipated by U.S. Pub. 2002/0023268 ("LaRocca"). Claims 2, 3, and 15 (not 25 as indicated in the Office Action) were rejected as obvious over LaRocca in view of U.S. Patent 5,852,812 ("Reeder.")

Background of Selected Aspects of Invention:

One aspect of the present invention is to "divide" the processing associated charging a viewer for services. Historically, this has been accomplished by a single, monolithic system that determined the amount due. Such systems have proven to be difficult to upgrade, since the provisioning functions are closely tied with billing functions. Thus, the present invention facilitates the ability "to divide the billing function of the billing system from the provisioning function of the service." [Specification, par. 35.)

This is accomplished in one embodiment by having one system determining a charge for a service (such as a movie) and having another system determine any additional fees (such as taxes). This aspect is reflected in the independent claims.

For example, claim 1 has been amended to recite that "a provisioning system comprising a service application program" computes a "list price of the offering". The service application system then "generates one or more billing messages" which are received by "a billing system receiving said one or more billing messages."

Further, the billing determines "the amount billed" which "comprises the list price **and an additional amount,** wherein the meta data is used by the billing system to determine the additional amount."

Thus, the billing system receives the list price, and adds an additional amount that is determined using the meta data.

Prior Art

LaRocca discloses a system that

1) uses the title of a program selected to determine a price

2) whether to bill the subscriber.

This aspect is shown in Fig. 3B which the Examiner has identified in the Office Action as anticipating various claims including independent claim 1 and 12.
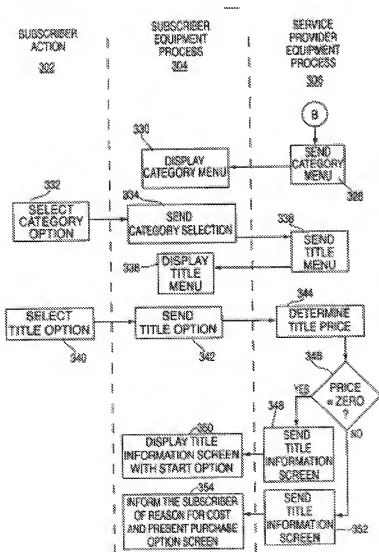

FIG. 3B

Applicant submits that LaRocca only discloses that a price is determined by the service provider equipment process (the right column). LaRocca is therefore deficient in anticipating various aspects of the limitations in independent claims 1 and 12.

EXAMINATION OF PRIOR ART WITH RESPECT TO PENDING CLAIMS

LaRocca Only Determines a Single "Price."

LaRocca does not disclose a "billing system [that] calculates acharge for the service offering for the subscriber associated with the set top box **wherein the charge comprises the list price and an additional amount.**" LaRocca has no disclosure regarding this limitation in Fig. 3b. Further, the associated text in paragraph 49 only discloses determining "a price." If the Examiner believes LaRocca does disclose this limitation, Applicant request further specifics in LaRocca as to where this alleged to be found.

This limitation is found in independent claim 1 and 12, and Applicant submits that these claims are not anticipated by LaRocca as alleged.

LaRocca Does Not Disclose Using Meta Data to Determine an "Additional Amount."

LaRocca discloses only determining a single price – there is no disclosure of determining an "additional amount." Claim 1 also recited the limitation of "wherein the meta data is used by the billing system to determine the additional amount." Further, claim 14 previously had a similar limitation, but which is now incorporated into claim 12, namely "wherein said additional amount is calculated using said meta-data."

LaRocca discloses using the title to determine the price, but there is no discloses of using the meta data for determining "said additional amount." LaRocca is simply silent regarding this limitation, and it is not found in Fig. 3b as alleged. If the Examiner believes LaRocca does disclose this limitation, Applicant request further specifics in LaRocca as to where this alleged to be found.

LaRocca Discloses Only A Single System Determining A Price

LaRocca discloses a single system for determining a single price – there is no disclosure of a first system communicating a list price to a second system, which then calculates a charge comprising "the list price and ad additional amount." This limitation is found in claim 1 and claim 12, and has been clarified by amending these claims to recite "a provisioning system" that comprises the service application program that sends one or more messages to the billing system.

LaRocca discloses that the video session manager determines the price by sending a price required to the network manager. (Par. 49.) Then, the video session manager displays this amount to the subscriber. There is no disclosure of the price determined by two systems which each computer a portion of the total price. If the Examiner believes LaRocca does disclose this limitation, Applicant request further specifics in LaRocca as to where this alleged to be found.

The Combination of LaRocca and Reeder Still Does not Disclose All the Claimed Limitations

The combination of LaRocca and Reeder still does not disclose of the claimed limitations. Reeder merely discloses that a state tax is computed and added to the subscriber's bill. As noted by the Examiner, "LaRocca … fails to explicitly disclose wherein the billing system maintains the at least one table comprising tax-related information associated with the service." The Examiner then relies on Reeder for this. However, Reeder discloses in Fig. 10, merely that a tax is added, as shown below:
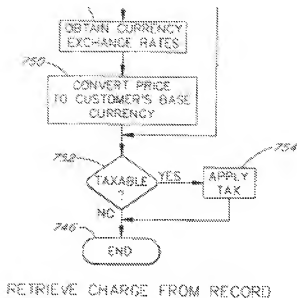
FIG. 10

The limitation at hand involves more than merely adding a tax as the additional amount. Specifically, the limitations of claims 2, and 3 must be read in context of the limitations in claim 1 recites in part:

"wherein the amount billed comprises the list price and an additional amount, **wherein the meta data is used by the billing system to determine the additional amount**"

Claim 12 has been amended to similarly recite "wherein said additional amount is calculated using said metadata." If the Examiner believes Reed does disclose this limitation, Applicant request further specifics in Reed as to where this limitation alleged to be found, namely, that the tax is computed using the metadata.

Applicant submits that other limitations in claims 2, 3, and 15 are not found in Reed. For example, claim 3 recites in part "…wherein the additional amount comprises a plurality of tax amounts and the metadata comprises a plurality of billing items which are used to compute the plurality of tax amounts." Reed does not mention using metadata for computing the tax, and it

cannot be obtained from LaRocca, since the Examiner admits it does not determine any tax amount.

Summary

Applicant submits that the claims are distinct from the prior art of record, and that the claims are in a condition for allowance. Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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